IN REL PETITION FOR DONING VARIANCE * W & Naybreak Terrace, 710 ft. ZONING COMMISSIONER North Morray Road Mo Daybreak Perrace * OF BALTIMORE COUNTY 14th Election District esth Councilmanic District Enuncia C. Charvat, et ux * Case No. 92-177-A Pet it loners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zening Commissioner as a Petition for Virtuance from Sections 1802.3.6.1 and 301.1 of the Baltimore County Zoning Requisitions (B.C.A.R.) to allow a side yard setback of 6 inches in lieu of the required to this for an open projection (carport) in a D.R.5.5 zone. The matter was originally filed as a residential variance, however, a public hearing was held at the request of the adjoining neighbor.

Appearing at the public hearing was Francis and Catherine Charvat, the property owners and their immediate next door neighbor, Vernon T. Hudhes, Jr.

Testimony established that Mr. and Mrs. Charvat own the property Known as 5716 Daybreak Terrace. The property contains a brick two story single family dwelling. Further, it is improved by a pool in the back yard as well as a concrete block patio. A macadam driveway is located on the east side of the property over which the property owners wish to construct a carport. According to the Petitioners, the location of the driveway requires that the carport be constructed to within 6 inches of their property line with Mr. Hughes and thus the variance is requested. According to their testimony, the proposed location of the carport is the only place where same may be situated, in view of the existing driveway and configuration of the lot.

Mr. Hughes appeared as a Profestant/interested party. He does not so much object to the proposed carport but, rather, testified that the driveway and an existing gazebo to the rear of same infringes on his property. According to Mr. Hughes, he had a survey of the property completed when his fence was constructed. This survey disclosed that the Charvats' driveway and gazebo infringe across the property line approximately 2 inches. Mr. Hughes fears the possible complications of this infringement, and whether title to his lot will be clouded or encumbered by this construction. He does not oppose construction up to 6 inches of the property line per se, only if same extends onto his property.

As I advised the parties repeatedly at the hearing, my authority does not extend to resolving questions of title and making determinations as to the location of the property line. In fact, there was no persuasive evidence available to me affirmatively establishing the exact location of the line. That is, the Charvats testified that they believe all of their improvements are within their lot, a conclusion with which Mr. Hughes disagrees. As indicated, I have neither the authority nor am I able, based upon the information submitted, to make a determination as to which of the parties are correct in their assessment. It is my recommendation to these neighbors that they retain an independent surveyor to settle the issue.

In any event, as to the Petition for Variance, I am persuaded that same should be granted. My conclusion is based upon the testimony and evidence presented at the hearing. It is my opinion that the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and, therefore, should be granted. I find that the subject variance would not adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would

ty of Mr. Hughes or infringe upon his property rights. requested should be granted.

and the second

LES/mmn

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this / day of _______ 1991 that a variance from Sections 1802.3.C.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 6 inches in lieu of the required 6 ft. for an open projection (carport) in a D.R.5.5 zone, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this

> > Zoning Commissioner for Baltimore County

result in practical difficulty and/or reasonable hardship to the Petitioners. Again, I emphasize that my ruling permits the Petitioners to construct to within 6 inches of the property line, as requested. It does not permit and cannot be construed as permission to construct upon the proper-

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief

the relief granted herein:

Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

111 West Chesapeake Avenue Towson, MD 2120 i

8813453

December 16, 1991

Mr. and Mrs. Francis C. Charvat 5716 Daybreak Terrace Baltimore, Maryland 21206

RE: Petition for Zoning Variance Case No. 92-177-A

Dear Mr. and Mrs. Charvat:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

Baltimore County Government Zoning Commussioner Office of Flamming and Zoning

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Zoning Commissioner

cc: Mr. Vernon T. Hughes, Jr.

PETITION FOR RESIDENTIAL VARIANCE

1B 02.3C, I, 301.1 (BC, ZR, 1955) To Allow A Side Yard Set Back Of. 5' In Liew Of The Required 6' For An

Open Projection (Car Port) In A DR. 5.5. Zone of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (hudbante hardship or practical difficulty)

1. TO KEEP TWO CARS UNDER COVER. AWAY FROM ELEMENTS, 2. AT MY AGE FOR HEALTH REASON IN REMOVING SNOW. 3. SAFETY OF WIFES MOTHER (96 YEARS YOUVE) FROM FALLING SHOW OR LAIN

WHEN ENTERING CAR.

4. OTHER BO DE ANVESTIGET AND AND FOSTER AS PRESENTED BY ZONLING REGULATIONS. THAT SIDE.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon Alling of the petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of

FRANCIS C CHARVAT Lancis Colavast CATHERINE T CHARVATT atherene J. Charanat

probletion to posted on the property on or before the 27 day of 677, 1991.

ZOMING COMMISSIONER OF HALTIMORIC COUNTY

In Rea 100, County Office Dubiding in Touson, Delibinous County.

AFFIDAVIT IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoming Commissioner

Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently reside at

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate bardship or practical difficulty) 1. To Keep Two Cars Under Cover Away From Elements. 2. At My Age, For Health Reasons In Removing Snow. 3. Sofety Of Wife's Mother (Hoyears young) From Falling (Rainor Snow)
When Entering Car.
4. Other Side Of House Has Slope, Cannot Put On That Side.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

NFFTANIP (Handwritten Signature) FRANCIS C CHARUTT NFFIME (Printed Name)

I HARMEN CHRIFFY, this 17 th day of Sextember, 19 91, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared FRANCIS C CHARVAT & CATHERINE J. CHARVAT

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made eath in due form of law that the mathers and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITHESS my band and Notarial Seal.



ZONING DESCRIPTION 00.177 4

Beginning at a point on the west side of Daybreak Terrace which is 50' wide at the distance of 264± south of the centerline of the nearest improved intersection street Hazelwood Avenue, which is 60' wide. Being Lot #(6), Block (B), Section #(1) in the subdivision of Hazelwood Acres as recorded in Baltimore County Plat Book #(22), Folio #(147), containing 9900 square feet or 0.23 Acrest. Also known as 5716 Daybreak Terrace and located in the #(14) Election District of Baltimore County, Maryland.

District 14th Variance Posted for: Variance	Date of Posting 11/22/91
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Location of Signs File 17:4 Day brook I Toud Way, On frepry by of Pati	Kione

CERTIFICATE OF POSTING

Towers,	Maryland

District	Date of Posting
Posted for:	************************************
Petitioner:	
Location of property:	The Marian Roy
Location of Signs:	Market 19 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Remarks:	
Posted by Signature Bumber of Signat	af return:

CERTIFICATE OF PUBLICATION

11	NOTICE OF HEARING
e employed and the second seco	The Zenting Commissioner of Seltimere County, by authority of the Zoning Act and Regulations of Beltimere County will hold a public hearing on the property identified herein in Room 116, Seltimere County Courthouse, 400 Washington Avenue, Towson, Maryland 21264 as follows:
	Case Number: 92-177-A W/S Daybreak Terrace, 710' M of MeFaul Road 9716 Daybreak Terrace 14th Election District 6th Councilmanic Petitioner(s): Francis and Catherine Charvat Haaring Date: Tuesday, December 10, 1991 at 2:00 p.m.
	Variance: to allow a side yard entrack of 6 ft. in theu of the re- quired 6 ft. for an open projection (carport).
	LAWRENCE E. SCHMIDT Zoning Commissioner of Belltmore County N.J.11/220 November 21.

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md. once in each of successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

CERTIFICATE OF PUBLICATION

THE JEFFERSONIAN,

Publisher

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

PUBLIC HEARING FEES OTY PRICE

010 -ZUNING VARIANCE (IRL) 1 X \$35.00

080 -POSTING SIGNS / ADVERTISING 1 X \$25.00

TOTAL: \$60.00

Please Make Childhi Palaile Thi Balkinore County \$60.00
BA COO3:59PM10-15-91

(410) 887-3353

Account: R-001-6150 Number 0.187

Cashier Validation

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

November 25, 1991

Mr. & Mrs. Francis C. Charvat 5716 Daybreak Terrace Baltimore, MD 21206

RE: Item No. 187, Case No. 92-177-A
Petitioner: Francis C. Charvat, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Charvat:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency ar not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

Baltimore County
Zoning Commissioner
County Office Building
1(1) Sest Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

92-177

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Cashier Validation

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Zoning Commessione..

County Office Pullding

111 West Chesapocke Avenue
Towson Maryland 20204

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Please Make Checks Payable To Baltimore County

Zoning Plans Advisory Committe Coments Date:November 25, 1991 Page 2

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Zoning Plans Advisory Committee

Baltimore County Governme Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Francis and Catherine Charvat

5716 Daybreak Terrace

Baltimore, MD 21206

DATE:

RE:
CASE NUMBER: 92-177-A
W/S Daybreak Terrace, 710' N of McFaul Road
5716 Daybreak Terrace
14th Election District - 6th Councilmanic
Petitioner(s): Francis and Catherine Charvat
HEARING: TUESDAY, DECEMBER 10, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 9/3 / is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL. THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Haryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Haryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

. Cell Jake

ARMOLD JABLO DIRECTOR

> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 11th day of October, 1991.

ARNOLD JABLON
DIRECTOR

Received By:

Chairman, Zoning Plans Advisory Committee

Petitioner: Francis C. Charvat, et ux
Petitioner's Attorney:

Baltimore County Governm
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

HOVEMBER 13, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County will hold a public hearing on the property identified herein in
Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-177-A
W/S Daybreak Terrace, 710' N of McFaul Road
5716 Daybreak Terrace
14th Election District - 6th Councilmanic
Petitioner(s): Francis and Catherine Charvat
HEARING: TUESDAY, DECEMBER 10, 1991 at 2:00 p.m.

Variance to allow a side yard setback of 5 ft. in lieu of the required 6 ft. for an open projection (carport).

Januar Estated
Lawrence E. Schmidt

Zoning Commissioner of Baltimore County

cc: Francis and Catherine Charvat
Vernon T. Hughes, Jr.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991
Zoning Administration and
Development Management

PROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Parkwood Cemetery, Item No. 184
Flamm Property, Item No. 167
Guercio Property, Item No. 168
Ferenc Property, Item No. 169
Wasilewski Property, Item No. 170
Mahaffey Property, Item No. 173
Miller & Hatfield Property, Item No. 179
Yan Property, Item No. 186
Charvat Property, Item No. 187
Reynolds Property, Item No. 188
Freund Property, Item No. 189

In reference to the petitioners' requests, the staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM184/TXTROZ

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: November 6, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

To Whom It May Concern:

houses in the neighborhood.

Z.A.C. MEETING DATE: October 22, 1991

This office has no comments for item numbers 124, 166, 167, 168, 169, 173, 174, 175, 176, 179, 180, 181, 182, 184, 186, 187, 188 and 189.

187

5715 Daybreak Terrace

September 17, 1991

The carport that Frank and Jane Charvet of 5716 Daybreak Terrace

have added at their house, in our opinion, does not detract from the

neighborhood. We also feel, as neighbors of the Charvats residing

directly across the street, that the carport will not devalue the

Baltimore, Maryland 21206

Greg & Vicki Pfannenstein

I reside on the property located at Jeresce 5720 Daybreak Deresce and I have no

RJF/lvd

Baltimore County Government Fire Department

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

OCTOBER 24, 1991

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Cwner: FFANCIS C. CHARVAT

#5716 DAYPREAK TERRACE Location: Zoning Agenda: OCTOBER 22, 1991 Item No.: 187

Gentlemen: Pursuant to your request, the referenced property has been surveyed by this Eureau and the comments below are applicable and required to ke corrected or incorporated into the final plans for the property.

7. The Fire Freventicr Fureau las no comments at this time.

' JP/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: October 29, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E. द्वानाम् Advisory Committee Meeting

for October 22, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 124, 167, 168, 169, 170, 173, 176, 178, 179, 180, 184, 186, 187, 188 and 189.

In addition, we have no comments at this time for Item #438 (Case No. 91-466).

For Item 166, we will have no comments until the County Review Group Meeting.

For Item 171, see our County Review Group comments dated October 10, 1991.

For Items 174 and 175, minor subdivision review comments were prepared for this site, dated October 9, 1930.

Item 181 represents a minor subdivision, which should be processed through the minor subdivision procedures.

For Item 182, no comments are necessary on density transfer.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

Francis and Catherine Charvat

Baltimore, Maryland 21206

5716 Daybreak Terrace



887-3353

COPY

Re: CASE NUMBER: 92-177-A LOCATION: W/S Daybreak Terrace, 710' N of McFaul Road 5716 Daybreak Terrace 14th Election District - 6th Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before October 27, 1991. The closing date is November 12, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PETITIONER(S) SIGN-IN SHEET

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Zoning Commissioner, Baltimore Count

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	NOVEMBER 1,1991		
		To Whom it may concern:	
	THIS IS A FORMAL REQUEST FOR A PUBLIC HEARING	Mr. + Mrs. Clarvat are Co	prolity
		enther property at 5716 Day	Albreadi L
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	CC: FRANK & DANE CHARVAY		
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NAME OF A	6 Deybeak Tenacl
Lerine J Charris 57/1	o Sayouan issue
\rightarrow	→
ASE PRINT CLEARLY PROTESTANT (S	S) SIGN-IN SHEET
NAME	ADDRESS
VERNOW T. HUGHES JR	5718 DAGBREAK TR. B+ 21206 MD.
**************************************	·

92-177-A

92-177-A



















